IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 7710 of 2004

Between:

1 B.Vijaya Lakshmi, W/o Dr.B.Shiva Prasad,
R/o Suit No.201, 1-1-287/18, II Floor, Road No.3, Bapu Nagar,
Chikkadpally, Hyderabad.
2 Dr.B.V.R.Sridhar, S/o B. Srinivas Rao,
R/o Suit No.G-1, 1-1-287/18, Road No.3, Bapu Nagar, Chikkadpally, Hyderabad.
3 L.Vani Sree, W/o Kalyan Srinivas,
R/o Suit No.202, 1-1-287/18, II Floor, Road No.3, Bapu Nagar,
Chikkadpally, Hyderabad.
4 Y.Shankar Rao, S/o Ramachandra Rao,
R/o 1-1-156, Alexander Road, Secunderabad.

..... PETITIONERS

AND

1 State of A.P.rep.by Mohd.Ismail, Asst.Commissioner of Police, Central
Zone, CCS, Detective Department, Basheerbagh, Hyderabad.
2 Chief Judge, City Civil Court, Hyderabad.
3 III Additional chief Judge, City Civil Court, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order or orders or directions mainly in the nature of Writ of Mandamus or any other appropriate Writ by declaring that the Order in I.A.No.389/2003 dated 7-2-2003 passed by the respondents 2 and 3 is without jurisdiction, contrary to law and procedure, violative of principles of natural justice, contrary to Article 300-A of the Constitution of India, and further direct the respondent No.1 not to interfere with the property bearing Flat Nos. 201, G-1, 202, 301& 302 in H.No.1-1-287/18, Chikkadpally, Hyderabad.

Counsel for the Petitioner:SMT.A.ANASUYA

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORDER:-

Heard both the learned counsel and at their request, the writ petition itself is taken up for disposal.

Petitioners who claim to be the owners of the property, against which attachment orders were issued in the impugned proceedings in I.A.No.389 of 2003 in O.P.No. 436 of 2003 dated 7-2-2003 on the file of Chief Judge, City Civil Court, Hyderabad, filed this writ petition, inter alia, challenging mainly on the ground that the petitioners are no-way concerned with the amounts or liability as such nor the properties belonging to them can be proceeded with.

It is submitted by the learned counsel for the petitioners that the very Court has no jurisdiction to entertain the proceedings or to pass orders as such, more so, in view of the fact that Special Court was constituted under the provisions of Prevention of Corruption Act. It is further submitted that already they filed objections, however, they

were not taken up nor orders were passed.

Considering the submissions made on either side and on perusal of the material on record, it is seen that the petitioners' grievance is only against non-consideration of their objections and also non-disposal of the application filed seeking for attachment. Though the petitioners are third parties, however, they set up claim in respect of the very same property of their own stating that the main respondent in the proceedings is no-way concerned with the said property.

Having regard to the same and especially in view of the pendency of the proceedings before the Court below, it is not necessary to go into the merits of the case. Suffice it to direct the Court for early disposal of the objections and the applications.

Accordingly, this writ petition is disposed of and the second respondent herein is directed to disposal of I.A.No.389 of 2003 in O.P.No.436 of 2003 within a period of one month from the date of receipt of a copy of this order by taking into account the objections raised by the petitioner, including as to the jurisdiction aspect and the sustainability of the attachment as ordered. No costs.

2—09—2004.

Stv/-

To

1 State of A.P.rep.by Mohd.Ismail, Asst.Commissioner of Police, Central Zone, CCS, Detective Department, Basheerbagh, Hyderabad.
2 Chief Judge, City Civil Court, Hyderabad.
3 III Additional chief Judge, City Civil Court, Hyderabad.

4 2CCs to the Government Pleader for Home, High Court Buildings, Hyderabad.

5 2CD copies.